

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

PATRICK MILLER,

Plaintiff,

-against-

9:12-CV-0972 (LEK/RFT)

EDWARD CARNEY, *et al.*,

Defendants.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on August 7, 2014, by the Honorable Randolph F. Treence, U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3. Dkt. No. 68 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006); see also Cephas v. Nash, 328 F.3d 98, 107 (2d Cir. 2003) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.”); Farid v. Bouey, 554 F. Supp. 2d 301, 306 (N.D.N.Y. 2008).

Plaintiff filed a Letter Motion requesting appointment of counsel, but did not otherwise respond to the Report-Recommendation. Dkt. No. 71. Accordingly, the Court has reviewed the Report-Recommendation for clear error. Having found none, the Report-Recommendation is approved and adopted in its entirety.

Accordingly, it is hereby:

**ORDERED**, that the Report-Recommendation (Dkt. No. 68) is **APPROVED and ADOPTED in its entirety**; and it is further

**ORDERED**, that Defendants' Motion (Dkt. No. 43) for summary judgment is **GRANTED**; and it is further

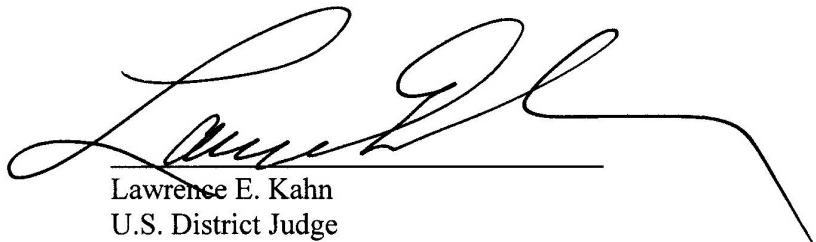
**ORDERED**, that Plaintiff's Letter Motion (Dkt. No. 71) is **DENIED**; and it is further

**ORDERED**, that the Clerk of the Court enter judgment for Defendants and close this case; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order upon the parties to this action in accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: September 18, 2014  
Albany, New York



The image shows a handwritten signature in black ink, which appears to read "Lawrence E. Kahn". Below the signature, there is a horizontal line. Underneath this line, the name "Lawrence E. Kahn" is printed in a standard font, followed by "U.S. District Judge" in a smaller font.